

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 EB-07 ACDA-07 SAJ-01 OMB-01

IO-13 /082 W

----- 118592

O R 251500Z AUG 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 1310

USMISSION USBERLIN IMMEDIATE

INFO USMISSION NATO BRUSSELS

AMEMBASSY PARIS

AMEMBASSY MOSCOW

AMEMBASSY LONDON

AMEMBASSY BERLIN

AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL FRANKFURT

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMCONSUL STUTTGART

C O N F I D E N T I A L SECTION 01 OF 02 BONN 14176

E.O. 11652: GDS

TAGS: PFOR, PGOV, WB, GW, GE, US, UK, FR, UR

SUBJECT: OBSTRUCTION OF TRANSIT TO BERLIN

REF: BONN 14136

SUMMARY: BONN GROUP HAS REACHED AD REF AGREEMENT ON A PRESS LINE TO BE USED FOLLOWING ALLIED PROTEST TO SOVIETS CONCERNING AUGUST 13 INCIDENTS. FRENCH AGREEMENT TO PRESS LINE IS ACCOMPANIED BY RESERVATION PENDING APPROVAL BY PARIS OF PROTEST TEXT. END SUMMARY.

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1. DUE TO A LACK OF NEW FRENCH INSTRUCTIONS, REPORTED

SEPTEL, BONN GROUP WAS UNABLE TO MAKE PROGRESS ON TEXT FOR PROTEST TO SOVIETS. IN LIGHT OF THAT SITUATION, IT WAS DECIDED TO CONSIDER PRESS LINE WHICH COULD BE USED FOLLOWING PRESENTATION OF PROTEST TO SOVIETS. DRAFTING WAS CONDUCTED ON THE BASIS OF BRITISH PROPOSAL AND UNDER A FRENCH RESERVATION CONCERNING ACCEPTANCE BY PARIS OF THE TEXT OF THE PROTEST ITSELF.

2. AD REF AGREEMENT WAS REACHED ON THE FOLLOWING DRAFT PRESS LINE:

BEGIN TEXT:

1. Q. WHEN AND WHERE WAS THE PROTEST HANDED OVER AND WHAT FORM DID IT TAKE?

A. THE PROTEST TOOK THE FORM OF A WRITTEN NOTE WHICH WAS HANDED TO THE COUNSELLOR OF THE SOVIET EMBASSY IN EAST BERLIN BY THE CHAIRMAN POLITICAL ADVISER IN BERLIN, ON BEHALF OF THE THREE ALLIES. THE NOTE WAS HANDED OVER ON

2. Q. WHY WAS THIS CHANNEL USED?

A. THIS IS THE NORMAI CHANNEL FOR TRANSACTING BUSINESS CONCERNING BERLIN WITH THE SOVIET AUTHORITIES.

3. Q. WHAT WERE THE CONTENTS OF THE PROTEST?

A. IT IS NOT OUR PRACTICE TO RELEASE THE TEXT OF CONFIDENTIAL COMMUNICATIONS. HOWEVER, THE PROTEST MAKES IT CLEAR THAT THE THREE ALLIES CONSIDER THAT THE OBSTRUCTION OF TRANSIT TRAFFIC WHICH OCCURRED ON 13 AUGUST CONSTITUTED A CLEAR VIOLATION OF THE QA AND CALLS UPON THE SOVIET AUTHORITIES TO ENSURE THAT IN ACCORDANCE WITH THE QA TRANSIT TRAFFIC TO BERLIN SHOULD REMAIN UNIMPEDED.

4. Q. WHAT ARE THE EXACT REASONS WHICH LED YOU TO PROTEST?

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A. IN THE QA, THE SOVIET UNION DECLARED THAT TRANSIT TRAFFIC TO BERLIN WOULD BE UNIMPEDED. THIS SOVIET UNDERTAKING WAS INFRINGED BY THE GDR ON AUGUST 13. THERE IS EVIDENCE THAT THE GDR ACTIONS WERE MOTIVATED BY DISLIKE OF THE ACTIVITIES IN WHICH THE TRAVELLERS INTENDED TO PARTICIPATE IN BERLIN. FOR EXAMPLE, GDR AUTHORITIES QUESTIONED TRAVELLERS AS TO WHY THEY

WANTED TO GO TO BERLIN. THAT GDR MOTIVATION IS ALSO
REFLECTED IN THE COMMENTARY BY "RADIO PEACE AND PROGRESS"
PUBLISHED IN "NEUES DEUTSCHLAND" ON 21/22 AUGUST.
THERE IS NO JUSTIFICATION IN THE QA FOR IMPEDING TRAFFIC
TO BERLIN ON THE BASIS OF EVENTS OCCURRING IN THE CITY
OR TRAVELLERS' REASONS FOR GOING THERE.

5. Q. BUT THE GDR HAS TRIED TO CLAIM THAT THE
TRAVELLERS INTENDED TO MISUSE THE TRANSIT ROUTES AND
THE QA PROVIDES FOR TRAVELLERS TO BE TURNED BACK IF
THERE IS SUFFICIENT REASON TO SUSPECT THIS.

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 14176

A. THE FRG HAS INFORMED US OF THESE CLAIMS MADE IN THE TRAFFIC COMMISSION MEETING ON 18 AUGUST. WE AGREE WITH THE FEDERAL GOVERNMENT THAT THERE IS NO CONVINCING EVIDENCE THAT SUCH MISUSE WAS INTENDED, AND WE SUPPORT THE INTENTION OF THE FEDERAL GOVERNMENT TO REFUTE THESE CHARGES AT THE MEETING OF THE TRAFFIC COMMISSION DUE TO TAKE PLACE ON 30 AUGUST.

6. Q. WHY DID YOU NOT PROTEST TO THE GDR?
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A. OUR PROTEST CONCERNS A VIOLATION OF THE QA: ONLY THE THREE WESTERN ALLIES AND THE SOVIET UNION ARE PARTIES TO THIS AGREEMENT. THE GDR, WITH THE FRG, IS PARTY TO THE TTA, THE NEGOTIATION OF WHICH WAS A PRE-CONDITION FOR THE BRINGING INTO FORCE OF THE QA. THE FRG IS PURSUING WITH THE GDR, THROUGH ESTABLISHED CHANNELS, ITS VIEW THAT THERE HAS BEEN A SERIOUS VIOLATION OF THE TTA.

7. Q. ARE THE ALLIES THEMSELVES SATISFIED THAT THE GDR ACTION CONSTITUTED A BREACH OF THE TTA?

A. YES. THE RELEVANT PROVISIONS OF THE TTA ARE MERELY AN ELABORATION OF THE BASIC PRINCIPLES AGREED TO AMONG THE FOUR POWERS IN THE QA. THE PARTIES TO THE TTA ARE, OF COURSE, THE FRG AND THE GDR, AND THE EVENTS OF 13 AUGUST ARE STILL UNDER DISCUSSION BETWEEN THEM, USING MECHANISMS PROVIDED FOR IN THE TTA. WE AGREE, HOWEVER, WITH THE FEDERAL GOVERNMENT THAT THERE IS NO CONVINCING EVIDENCE THAT MISUSE WAS INTENDED, AND WE SUPPORT THE INTENTION OF THE FEDERAL GOVERNMENT TO REFUTE THESE CHARGES AT THE MEETING OF THE TRAFFIC COMMISSION DUE TO TAKE PLACE ON 30 AUGUST.

END TEXT.

3. THE ONLY NOTABLE DRAFTING DIFFICULTY CONCERNED QUESTION SEVEN. ORIGINAL BRITISH ANSWER READ, "THE TTA WAS NEGOTIATED BY THE FRG AND THE GDR, AND THE EVENTS OF AUGUST 13 ARE STILL UNDER DISCUSSION BETWEEN THEM. (THEN AS ANSWER TO QUESTION 5.)" UK REP (CARTER) JUSTIFIED THAT RESPONSE BY SAYING ALLIES ARE NOT PARTIES TO TTA. IN ADDITION, AS TTA IS LESS RIGOROUSLY DRAFTED THAN THE QA, WHAT IS A VIOLATION OF QA MAY BE LESS

CLEARLY A VIOLATION OF TTA.

4. IN CONTRAST, US REP FELT IT WAS NECESSARY TO SAY TTA HAD BEEN VIOLATED. TTA FELL UNDER THE UMBRELLA OF QA EVEN IF THE ALLIES WERE NOT PARTIES TO IT. IF WE LEFT DOUBT AS TO WHETHER TTA HAD BEEN VIOLATED IN OUR CONFIDENTIAL

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VIEW, WE LEFT DOUBT AS TO VALIDITY OF PROTEST. IN ADDITION, IT WAS NOT IN OUR INTEREST TO IMPLY THAT DAY-LIGHT MIGHT EXIST BETWEEN SIMILAR PROVISIONS AND CRITERIA FOR VIOLATION OF QA ON ONE HAND AND TTA ON THE OTHER. US REP PROPOSED THAT ANSWER TO QUESTION SEVEN AS IT PRESENTLY APPEARS IN ABOVE TEXT BE SUBSTITUTED FOR BRITISH VERSION.

5. FRG REP (HENZE) AGREED WITH US AMENDMENT. CARTER ACCEPTED US PROPOSAL, HOWEVER, HE NOTED THAT HIS AUTHORITIES MAY WISH TO COME BACK ON THIS POINT. LASSUS ACCEPTED THE WORD "YES" IN THE AMENDMENT SOMEWHAT RELUCTANTLY.

6. IT WAS EXPECTATION OF BONN GROUP THAT FACT OF PROTEST WOULD BECOME KNOWN SHORTLY AFTER DELIVERY. ALLIES WOULD NOT ANNOUNCE THE PROTEST BUT WOULD USE THE ABOVE GUIDANCE IN RESPONSE TO QUERIES. FURTHER, IT WAS AGREED THAT -- ASSUMING DELIVERY OF PROTEST BY CHAIRMAN POLAD IN BERLIN -- PRESS HANDLING WOULD BE CENTRALIZED BY REFERRING ALL JOURNALISTS WHO INQUIRE TO CHAIRMAN (US) SPOKESMAN IN BERLIN.

7. ACTION REQUESTED: WE WOULD APPRECIATE USBER COMMENTS AND DEPARTMENTAL APPROVAL.
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